

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE LUIS TORRES	:	CIVIL ACTION
	:	NO. 13-3066
v.	:	
	:	
ALLENTOWN POLICE	:	
DEPARTMENT, et al.	:	

ORDER

AND NOW this 27th day of September, 2016, upon consideration of a motion for summary judgment by defendant Detective Todd Frey, Dkt. No. 105, and a partial motion for summary judgment by defendants Sergeant Michael Faulkner, Detective Jason Krasley and Agent Mark Boyer, Dkt No. 104, plaintiff Jose Torres' response, Dkt. No. 106, and defendants' replies, Dkt. Nos. 108 and 110, it is ORDERED that:

1. Defendant Todd Frey's motion is DENIED;
2. The motion of defendants Faulkner, Krasley and Boyer is GRANTED IN PART and DENIED IN PART as follows:
 - a. the motion is GRANTED and JUDGMENT IS ENTERED in favor of defendant Michael Faulkner and against plaintiff Jose Luis Torres with respect to plaintiff's claims against defendant Faulkner for excessive force (Count I) and assault and battery (Count III);
 - b. the motion is GRANTED and JUDGMENT IS ENTERED in favor of defendant Jason Krasley and against plaintiff Jose Luis Torres with respect to plaintiff's claims against defendant Krasley for excessive force (Count I), failure to intervene (Count II) and assault and battery (Count III);

- c. the motion is DENIED with respect to plaintiff's claims against defendant Mark Boyer.

It is further ORDERED that:

1. This matter is listed for trial to commence on Tuesday, November 29, 2016 at 10:00AM in Courtroom 4A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania;
2. Motions in limine or other matters requiring the Court's attention, if any, are to be filed no later than November 2, 2016. Responses to any such motions shall be filed on or before November 9, 2016; and
3. Pretrial memoranda and proposed points for charge and verdict sheets should be filed no later than November 2, 2016.

If the parties believe a settlement conference would be productive they should contact my chambers (215-597-2750) promptly.

/s/ Thomas O'Neill
THOMAS N. O'NEILL, JR., J.